



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

MINUTES OF PUBLIC MEETING

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

Board Meeting

July 31, 2024

Members Present:	Timothy Hunsaker, Lynee Anderson, Shawn Binn, Adrienne Williams
Members Absent:	Jennifer Joy-Cornejo, Branden Murphy, Vacant SLP
Staff Present:	Jennifer Pierce, Executive Director Stacey Whittaker, Licensing Coordinator Henna Rasul, Sr. Deputy Attorney General, Board Counsel Izack Tenorio, Board Lobbyist
Public Present:	Katie Allen, Karen Klopfer, Elyse Monroy, Kim Reddig, Shawna Ross, Shelby Sands, Belz & Case "Note-Taking-Bot"

Call to Order, Confirmation of Quorum

Vice Chair Hunsaker called the meeting to order at 4:35pm. A roll call confirmed a quorum was present.

Public Comment

Vice Chair Hunsaker introduced this agenda item and read the following statement pursuant to AB219 (2023):

"I will now review the instructions for providing public comment during this meeting: Any person wishing to make public comment may attend this meeting and provide public comment in one of the following ways: 1. Attend the meeting and provide public comment in-person at the physical location; OR 2. Attend the meeting and provide public comment virtually through the Zoom teleconference video link listed on the agenda; OR 3. Attend the meeting and provide public comment telephonically through the Zoom telephone number listed above. Please see additional public comment instructions at the end of this agenda. Public comment is welcomed by the Board. Public comment will be limited to five minutes per person and comments based on viewpoint will not be restricted. A public comment time will be available prior to action items on the agenda and on any matter not specifically included on the agenda as the last item on the agenda. At the discretion of the Board Chair, additional public comment may be heard when that item is reached. The Board Chair may allow additional time to be given a speaker as time allows and in their sole discretion. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment."

Dr. Hunsaker then called for public comment, and there was none.

Welcome & Introduction of New Board Member

This agenda item was skipped as the Board has not yet received notice of a new appointment to fill Andrea Menicucci's SLP seat.

Election of Board Chair & Vice Chair, Appointment of Board Bank Signatories and Financial Reviewer, and Reappointment of Members to the Advisory Committee on Fitting and Dispensing Hearing Aids

The first two parts of this agenda item were skipped as the Board has not yet received notice of a new appointment to fill Andrea Menicucci's SLP seat. The Board considered the proposal for reappointments to the Advisory Committee on Fitting and Dispensing Hearing Aids, as all eligible members requested reappointment with the exception of Nanci Campbell. Vice Chair Hunsaker called for a motion and Shawn Binn made a motion to reappoint Lynee Andreson, Jennifer-Joy Cornejo, and Melissa Maestas to the Advisory Committee on Fitting and Dispensing Hearing Aids. Adrienne Williams seconded the motion. The motion passed unanimously.

Approval of the Minutes: Board Meeting & Public Hearing of April 24, 2024

Vice Chair Hunsaker asked if there were any corrections or revisions to the minutes of the meeting & public hearing of April 24, 2024 and none were noted. Shawn Binn made a motion to approve the minutes of April 24, 2024 as written. Adrienne Williams seconded the motion. The motion passed unanimously.

Update and Report Out from Strategies 360 on Legislative and Lobbying Activities for 2024 Interim and 2025 Legislative Session

Izack Tenorio of Strategies 360 provided the Board with an update on legislative activities, reporting that Assemblywoman Cecelia González has agreed to sponsor the Board's bill with Assemblywoman Tracy Brown May co-sponsoring. Dr. Tenorio also explained how the bill will move through the committees and legislative houses during the session and how it will be helpful for Board members and other stakeholders to appear, testify, and be available for questions, sometimes on short notice, to bolster support for the bill. No action was taken.

Consideration to Approve Revisions to NRS 637B for Inclusion in 2025 Legislative Effort as Recommended by the Advisory Committee on Fitting and Dispensing Hearing Aids and Speech-Language Pathology Subcommittee

Ms. Pierce explained that a number of NRS sections have already been reviewed and approved by the Board for inclusion in the planned 2025 BDR. The Advisory Committee on Fitting and Dispensing Hearing Aids and Speech-Language Pathology Subcommittee have recommended additional revisions for the final draft of the Board's BDR presented for approval, after which the final language will be sent to the Board lobbyist and sponsors for submission to LCB. The sections presented for approval included:

- Revisions Related to Hearing Aid Fitting & Dispensing: NRS NEW "Cerumen Management" defined; NRS NEW "Tinnitus Care" defined; NRS NEW "Over-the-counter hearing aid" defined; NRS 637B.044 "Hearing aid" defined; and NRS 637B.055, and "Practice of fitting and dispensing hearing aids" defined.;
- Revisions Related to Fitting and Dispensing Hearing Aids: NRS 637B.050 "Practice of Audiology" defined.; and
- Revisions Related to Speech-Language Pathology: NRS 637B.NEW "Speech-Language Pathology Assistant" defined., "Supervising Speech-Language Pathologist" defined., "Provisional Licensee" defined., "Student" defined., "Supervision" defined., "Telesupervision" defined., NRS 637B Speech-language pathology assistants: Educational requirements., Speech-language pathology assistants: Regulations., Requirements for speech-language pathology assistant, provisional licensee, or student to assist in practice of speech-language pathology., "Practice of speech-language pathology" defined., and NRS 637B.080 "Applicability of Chapter."

On this last item, Ms. Pierce explained that the SLP Subcommittee felt strongly that a Bachelor's degree should be the minimum educational requirement for SLPA licensing, however also

recommended removing the exclusion of NDE SLP personnel in *NRS 637B.080 Applicability of Chapter*. This was in response to NDE's recent regulation changes that will sunset licensing of bachelor's level personnel in October 2026. NDE is drafting new SLPA regulations and plans to require applicants to first obtain this Board's SLPA license. However, we have recently confirmed that this will apply to new applicants only; current staff who are "grandfathered" will not be required by NDE to obtain their SLPA license. Additionally, NAC 391.223 regarding Audiologists does not require these NDE personnel to hold a Board license. Therefore, removal of the section in NRS 637B.080 would subject both sets of NDE personnel to engaging in unlicensed practice. Should the Board proceed with removal of NRS 637B.080(1) as proposed, this will result in current NDE SLP and Audiology personnel needing to obtain licensure from this Board to avoid unlicensed practice. Vice Chair Hunsaker called for a motion. Adrienne Williams made a motion to approve the proposed sections as drafted and Shawn Binn seconded the motion. The motion passed unanimously.

Consideration to Approve Recommendations from Advisory Committee on Fitting and Dispensing Hearing Aids Revision to "Board Policy 03 – Dispensing Examinations" to Expand Waiver of Exams for Prior Licensee and Issue Guidance on Audiometry Outside a Sound-Treated Room

Board Policy 03

In considering options to allow reciprocity/waiver of the dispensing exams for a HAS applicant licensed in good standing in another state, the Committee recommended at its July 17, 2024 meeting that the Board consider a revision to *Board Policy 03 – Dispensing Examinations* (section 3.c.) to expand waiver of the exams for those who have been previously licensed in Nevada but are outside the 3 year time limit to reinstate their license. Ms. Pierce also explained that due to recent changes to both the IHS Written and Practical Dispensing Examinations, sections 2.g. and 3.a.2. of this policy referencing passing scores should be revised. Vice Chair Hunsaker made a motion to revise *Board Policy 03 – Dispensing Examinations* to accept and approve the Committee's recommendations to expand exam waivers in section 3.c. and replace references to passing scores in sections 2.g. and 3.a.2. that simply refer to a passing score determined by IHS. Lynee Anderson seconded the motion. The motion passed unanimously.

Guidance Regarding Audiometry Outside a Separate Sound-Treated Room

The Board office received a request for guidance on the practice of audiometry outside a separate sound-treated room and whether it is allowable under NAC 637B.0446(1)(b). The Advisory Committee recommended that the Board issue formal guidance on the interpretation of NAC 637B to state that audiometry outside a separate sound-treated room is allowable under NAC 637B but only when using recorded voice, and with the recommendation that the practitioner clearly document that a separate sound-treated room was not used and why. Vice Chair Hunsaker called for a motion and Shawn Binn made a motion to issue guidance on the matter as recommended by the Advisory Committee. Adrienne Williams seconded the motion. The motion passed unanimously.

Disciplinary and Administrative Matters

Case # S24-01: Disciplinary Complaint Case Recommended for Dismissal

Ms. Pierce summarized that the Complaint alleged unprofessional conduct, practice outside the scope of a Speech-Language Pathologist, and conduct that is harmful to public health and safety. After investigation and review of all documentation received on this complaint, it was determined that there was insufficient evidence to file a formal complaint for hearing before the Board and the facts set forth in the accusations were insufficient to establish a violation of Chapter 637B of the Nevada Revised Statutes or the Nevada Administrative Code. As such, this case was recommended for dismissal. Vice Chair Hunsaker called for a motion. Adrienne Williams made a motion to dismiss Case S24-01, seconded by Shawn Binn. The motion passed unanimously.

Case #UP24-01: Administrative Unlicensed Practice Case and License Reinstatement Application: Shelby Sands, SLP Provisional License #SP-3633 Provisional, Expired June 13, 2024

Ms. Pierce explained that on July 24, 2024 the Board office received a Reinstatement Application from Ms. Sands for license #SP-3633 Provisional, issued 6/14/2023 and expired 6/13/2024. Ms. Sands' application affirmed that she has continued to engage in SLP practice in her employment at Summit Voice and Swallowing since her license expired, approximately 1 month 11 days.

Ms. Sands was sent license reminders directly from Board staff to an email address in her profile, since changed, on 5/1/2024, 5/30/2024, and 7/1/2024. A system-generated email reminder was also sent from the licensing database on 4/14/2024. A Cease & Desist letter and notice of this hearing was sent to Ms. Sands via email and U.S. Postal Mail and she executed a Waiver of Notice for this meeting on 7/25/2024 per the notice requirement in the Nevada Open Meeting Law. Ms. Sands was present in the meeting and apologized for the oversight and answered questions from the Board. Vice Chair Hunsaker called for a motion and Shawn Binn made a motion to reinstate the license without conditions and assess an administrative fine of \$50.00. Adrienne Williams seconded the motion, and the motion passed unanimously.

Executive Director's Report

Ms. Pierce directed the Board to the written Executive Director's Report which included FY24 Q4/End of Year Licensure Statistics and Financial Reports including noted deviations in the budget. Upcoming Board Member appointments/reappointments were discussed as Andrea Menicucci's term ended on 7/1/2024 and Lynee Anderson is also awaiting reappointment, though no updates have been received from the Governor's office. Ms. Pierce also reported that the Board's most recent NAC revision LCB File R108-23 was approved by the Legislative Commission on June 18, 2024, and filed/took effect June 20, 2024. Additionally, NAC revisions previously approved and in effect from 2020 and 2022 have also now been codified into NAC Chapter 637B. Ms. Pierce further reported that there were two open complaint cases following the last report-out in April 2024. One case was approved for dismissal earlier in this meeting, leaving one open case. The Board received one report of unlicensed practice since April 2024 and that case was also addressed earlier in this meeting. There were no questions, and no action was taken.

FY24 LCB Audit Election Form and Review & Approval as Needed of FY25 Budget

Ms. Pierce explained that the Board is eligible to elect a biennial audit to cover FY24 and FY25, which would not be due until December 2025. The CPA firm that completed the FY23 audit is no longer taking on audit work, and as purchasing rules allow the Board to hire a CPA firm for this purpose without an RFP/competitive process, a biennial audit estimate of \$12,750 was obtained from Connie Christiansen, CPA, CFE of Christiansen Accounting Network. Should the Board approve this option, a draft contract will be brought to a future meeting for review and approval. Ms. Pierce directed the Board to the current approved FY25 budget to understand the cost savings associated with this election. Vice Chair Hunsaker called for a motion. Adrienne Williams made a motion to approve election of a biennial audit for FY24 and FY25 as proposed. Shawn Binn seconded the motion, and the motion passed unanimously.

Report from Legal Counsel

Henna Rasul, Board Counsel had no new information to report on legal matters.

Reports from Board Chair and Board Members

- a. There were no reports from the Board Chair or members.

FINAL - Minutes approved at the October 23, 2024 Board Meeting.

- b. 2024 Proposed Meeting Schedule: The next meeting was scheduled for Wednesday, October 23, 2024 at 4:30pm. The Board discussed the possibility of meeting in-person in Reno or Las Vegas for a future meeting, and it was suggested that this could also coincide with the legislative session.
- c. Future Agenda Items: The following matters were identified for the October 2024 meeting and future agendas:
 - 1) New Board Member Appointments
 - 2) Election of Board Chair/Vice Chair (as needed)
 - 3) Update and Report Out from Strategies 360 on Board BDR and Legislative Activities for 2024 Interim and 2025 Legislative Session
 - 4) Other Items as Proposed

Public Comment

There was no public comment.

Adjournment

Timothy Hunsaker adjourned the meeting at 5:51 pm.